

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GARY J. MITCHELL,

Plaintiff,

v.

**MARINE FEDERAL CREDIT
UNION d/b/a MARINE FEDERAL
HOLDING COMPANY LLC,**

Defendant.

**CIVIL ACTION NO.
1:24-CV-3505-SCJ-CCB**

ORDER

This matter is before the Court for consideration of pro se Plaintiff Gary J. Mitchell's application for leave to file this civil action *in forma pauperis* (IFP), without prepayment of fees and costs or security therefor, under 28 U.S.C. § 1915(a)(1). Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs establishes that Plaintiff is unable to pay the filing fee or incur the costs of this action. (Doc. 1). Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs, (*id.*), is **GRANTED**. Plaintiff shall be allowed to proceed without prepayment of filing fees in this action.

SERVICE FORMS

Under 28 U.S.C. § 1915(d), officers of the court are charged with issuing and effecting service of process. Accordingly, the Clerk is **DIRECTED** to send Plaintiff the USM 285 form, summons, and the initial disclosures form. Plaintiff is **ORDERED** to complete the USM 285 form, summons, and the initial disclosures form, and to return to the Clerk of Court one of each for each Defendant named in the complaint within **21 days** from the entry date of this Order. Plaintiff is warned that failure to comply in a timely manner may result in the dismissal of this action. The Clerk is **DIRECTED** to resubmit this action to the undersigned if Plaintiff fails to comply.

Upon receipt of the forms by the Clerk, the Clerk is **DIRECTED** to prepare a service waiver package for each Defendant. The service waiver package must include, for each Defendant, two Notices of Lawsuit and Request for Waiver of Service of Summons (prepared by the Clerk), two Waiver of Service of Summons forms (prepared by the Clerk), an envelope addressed to the Clerk of Court with adequate first-class postage for use by each Defendant for return of the waiver form, one copy of the complaint, one copy of the initial disclosures form, and one copy of this Order. The Clerk shall retain the USM 285 forms and the summonses.

Upon completion of the service waiver packages, the Clerk is **DIRECTED** to complete the lower portion of the Notice of Lawsuit and Request for Waiver form and to mail a service waiver package to each Defendant. A Defendant has a duty to avoid unnecessary costs of serving the summons. If any Defendant fails to comply with the request for waiver of service, it must bear the costs of personal service unless good cause can be shown for failure to return the Waiver of Service form.

In the event that any Defendant does not return the Waiver of Service form to the Clerk of Court within 35 days following the date the service waiver package was mailed, the Clerk is **DIRECTED** to prepare and transmit to the U.S. Marshal's Service a service package for that Defendant. The service package must include the USM 285 form, the summons, and one copy of the complaint. Upon receipt of the service package, the U.S. Marshal's Service is **DIRECTED** to personally serve the Defendant. The executed waiver form or the completed USM 285 form shall be filed with the Clerk.

SERVICE OF FURTHER PLEADINGS AND DOCUMENTS

Plaintiff is **ORDERED** to serve upon each Defendant or counsel for Defendant, via hand-delivery or first-class mail, a copy of every further pleading, motion, or other document that Plaintiff submits to the Clerk of Court. Plaintiff

shall serve each document on Defendant or counsel for Defendant on the same day that such document is filed with the Clerk of Court. Plaintiff shall include with each paper so filed a "certificate of service" stating the date on which an accurate copy of that paper was mailed or hand-delivered to Defendant or counsel for Defendant. The Court shall disregard any papers that have not been properly filed with the Clerk or that do not include a certificate of service. Plaintiff is also **ORDERED** to keep the Court and Defendant advised of Plaintiff's current address and telephone number at all times during the pendency of this action. *See LR 41.2B, 83.1D(3), NDGa.*

IT IS SO ORDERED, this 23rd day of August, 2024.



CHRISTOPHER C. BLY
UNITED STATES MAGISTRATE JUDGE